

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

FEB 21 2024

U.S. DISTRICT COURT
ELKINS WV 26241

UNITED STATES OF AMERICA,

v.

NITESH RATNAKAR,

Defendant.

Criminal No. 2:24cr4

Violations:

18 U.S.C. § 1512(c)(2)

26 U.S.C. § 7202

26 U.S.C. § 7206(1)

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. The defendant, **NITESH RATNAKAR**, was a medical doctor with residences in Ohio and Randolph Counties, in West Virginia. **RATNAKAR** owned and operated medical-related businesses in Randolph County, West Virginia and elsewhere.

2. **RATNAKAR** owned and operated West Virginia Gastroenterology & Endoscopy PLLC, referred to hereinafter as “WVGE.” WVGE was a medical practice with an office in Elkins, West Virginia.

3. **RATNAKAR** owned and operated Saneso America Inc. and Saneso Inc. Saneso America Inc. and Saneso Inc. operated as a medical equipment manufacturer with an office in Elkins, West Virginia. The Saneso companies are referred to collectively hereinafter as “SANESO.”

COUNTS ONE THROUGH THIRTY-EIGHT

(Willful Failure to Pay Over Tax)

1. The General Allegations of this Indictment are re-alleged and fully incorporated here by reference.

2. At all times relevant to this Indictment, WVGE and SANESO withheld taxes from their employees' paychecks, including federal income taxes, Medicare and social security taxes often referred to as Federal Insurance Contribution Act or "FICA" taxes. These taxes will be referred to in this Indictment collectively as "payroll taxes."

3. At all times relevant to this Indictment, WVGE and SANESO were required to make deposits of the payroll taxes to the Internal Revenue Service on a periodic basis.

4. At all times relevant to this Indictment, the defendant, **NITESH RATNAKAR**, was a "responsible person," that is, he had the corporate responsibility to collect, truthfully account for, and pay over the payroll taxes of WVGE and SANESO.

5. In the calendar years 2018 through 2022, WVGE and SANESO withheld payments from their employees' paychecks. However, beginning at least in the first quarter of 2018, WVGE failed make all required payments to the Internal Revenue Service and SANESO made no payments.

6. In total, during the calendar quarters alleged in Counts 1 through 38 of this Indictment, WVGE and SANESO failed to account for and pay over approximately \$2,419,560.07 in payroll taxes.

7. On or about the dates listed in the chart below, in Randolph County, in the Northern District of West Virginia, the defendant, **NITESH RATNAKAR**, did willfully fail to pay over to the Internal Revenue Service the federal income taxes withheld and Federal Insurance

Contributions Act taxes due and owing to the United States on behalf of WVGE and SANESO and their employees for the quarters listed in the chart below, which he had caused WVGE and SANESO to deduct and collect from the total taxable wages of WVGE's and SANESO's employees and truthfully account for, during those quarters, in the amounts listed in the chart below, with each calendar quarter constituting a separate count of this Indictment:

COUNT	DATE	QUARTER	COMPANY	TAX AMOUNT
1	May 24, 2018	201803	WVGE	\$89,686.74
2	July 31, 2018	201806	WVGE	\$81,491.78
3	October 31, 2018	201809	WVGE	\$77,945.29
4	January 31, 2019	201812	WVGE	\$78,783.28
5	August 28, 2019	201903	WVGE	\$82,748.56
6	September 3, 2019	201906	WVGE	\$83,187.40
7	October 31, 2019	201909	WVGE	\$74,196.09
8	January 31, 2020	201912	WVGE	\$75,055.20
9	April 30, 2020	202003	WVGE	\$54,864.94
10	July 31, 2020	202006	WVGE	\$73,352.62
11	October 31, 2020	202009	WVGE	\$78,130.98
12	January 31, 2021	202012	WVGE	\$82,312.91
13	April 30, 2021	202103	WVGE	\$97,590.37
14	July 31, 2021	202106	WVGE	\$92,089.36
15	October 31, 2021	202109	WVGE	\$94,808.73
16	January 31, 2022	202112	WVGE	\$95,931.75
17	April 30, 2022	202203	WVGE	\$107,727.94

18	July 31, 2022	202206	WVGE	\$79,429.28
19	October 31, 2022	202209	WVGE	\$70,884.61
20	April 30, 2018	201803	SANESO	\$20,246.17
21	July 31, 2018	201806	SANESO	\$22,048.72
22	October 31, 2018	201809	SANESO	\$22,387.12
23	January 31, 2019	201812	SANESO	\$30,081.81
24	April 30, 2019	201903	SANESO	\$29,329.82
25	July 31, 2019	201906	SANESO	\$43,903.57
26	October 31, 2019	201909	SANESO	\$65,411.16
27	January 31, 2020	201912	SANESO	\$54,845.79
28	April 30, 2020	202003	SANESO	\$45,799.63
29	July 31, 2020	202006	SANESO	\$48,044.22
30	October 31, 2020	202009	SANESO	\$52,683.70
31	January 31, 2021	202012	SANESO	\$55,269.88
32	April 30, 2021	202103	SANESO	\$49,503.99
33	July 31, 2021	202106	SANESO	\$57,371.23
34	October 31, 2021	202109	SANESO	\$60,399.58
35	January 31, 2022	202112	SANESO	\$44,430.41
36	April 30, 2022	202203	SANESO	\$55,564.76
37	July 31, 2022	202206	SANESO	\$50,559.77
38	October 31, 2022	202209	SANESO	\$41,460.98

All in violation of Title 26, United States Code, Section 7202.

COUNTS THIRTY-NINE THROUGH FORTY-ONE

(Filing False Income Tax Return)

1. The General Allegations of this Indictment are re-alleged and fully incorporated here by reference.

2. For tax years 2020, 2021, and 2022, the defendant, **NITESH RATNAKAR**, fraudulently inflated his tax refund by falsely claiming Form W-2 withholdings from WVGE in amounts higher than the tax deposits WVGE made.

3. On or about the dates set forth below, in Randolph County, in the Northern District of West Virginia, the defendant, **NITESH RATNAKAR**, did willfully make and subscribe U.S. Individual Income Tax returns, Forms 1040, for himself, for the calendar years set forth below, which were verified by written declarations that they were made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. The income tax returns, which were filed with the IRS, reported items in the amounts set forth below, whereas, as he then and well knew, these items, among others, were materially false:

COUNT	OFFENSE DATE	YEAR	FALSE LINE ITEM
39	October 28, 2023	2020	Federal Income Tax Withheld from Forms W-2 of \$53,775.00
40	October 28, 2023	2021	Federal Income Tax Withheld from Forms W-2 of \$53,775.00
41	October 23, 2023	2022	Federal Income Tax Withheld from Forms W-2 of \$53,775.00

All in violation of Title 26, United States Code, Section 7206(1).

COUNT FORTY-TWO

(Obstruction of Justice- Corruptly Influence Official Proceeding)

1. The General Allegations of this Indictment and the allegations in and Counts One through Thirty-Eight are re-alleged and fully incorporated here by reference.

2. On or about June 5, 2023, in Randolph County, West Virginia, in the Northern District of West Virginia, the defendant, **NITESH RATNAKAR**, did corruptly attempt to obstruct, influence, and impede a Northern District of West Virginia grand jury investigation, an official proceeding, by causing the production of false and fraudulent Forms 941, Employer's Quarterly Federal Returns, for WVGE and SANESO in response to grand jury subpoenas issued as part of a Northern District of West Virginia grand jury investigation of the defendant's tax practices, specifically, the defendant caused his return preparer to sign and backdate several Forms 941 that the defendant then caused to be provided to the U.S. Attorney's Office for the Northern District of West Virginia as returns on subpoenas issued to WVGE and SANESO, in violation of Title 18, United States Code, Section 1512(c)(2).

A true bill,

/s/ Foreperson

/s/ William Ihlenfeld
WILLIAM IHLENFELD
United States Attorney

Jarod J. Douglas
Assistant United States Attorney